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HOUSE BILL 465

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR A SAFETY BELT WAIVER
PLACARD; AMENDING SECTIONS OF THE NMSA 1978; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.14 NMSA 1978 (being Laws 1990,
Chapter 120, Section 15, as amended) is amended to read:

"66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "park" or "parking" means the standing of a
vehicle, whether occupied or not, other than temporarily for
the purpose of and while actually engaged in loading and
unloading;

B. "parking lot" means a parking area provided for
the use of patrons of any office of state or local government

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1 or of any public accommodation, retail or commercial
2 establishment;

3 C. "parts car" means a motor vehicle generally in
4 nonoperable condition that is owned by a collector to furnish
5 parts that are usually nonobtainable from normal sources, thus
6 enabling a collector to preserve, restore and maintain a motor
7 vehicle of historic or special interest;

8 D. "pedestrian" means any natural person on foot;

9 E. "person" means ~~every~~ a natural person, firm,
10 copartnership, association, corporation or other legal entity;

11 F. "personal information" means information that
12 identifies an individual, including an individual's photograph,
13 social security number, driver identification number, name,
14 address other than zip code, telephone number and medical or
15 disability information, but "personal information" does not
16 include information on vehicles, vehicle ownership, vehicular
17 accidents, driving violations or driver status;

18 G. "placard" or "parking placard" means a card-like
19 device that identifies the vehicle as being currently in use to
20 transport a person with severe mobility impairment and issued
21 pursuant to Section 66-3-16 NMSA 1978 to be displayed inside a
22 motor vehicle so as to be readily visible to an observer
23 outside the vehicle; provided that "parking placard" does not
24 include a safety belt waiver placard issued pursuant to Section
25 66-7-372 NMSA 1978;

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1 H. "pneumatic tire" means [~~every~~] a tire in which
2 compressed air is designed to support the load;

3 I. "pole trailer" means any vehicle without motive
4 power, designed to be drawn by another vehicle and attached to
5 the towing vehicle by means of a reach or pole or by being
6 boomed or otherwise secured to the towing vehicle and
7 ordinarily used for transporting long or irregularly shaped
8 loads such as poles, structures, pipes and structural members
9 capable, generally, of sustaining themselves as beams between
10 the supporting connections;

11 J. "police or peace officer" means [~~every~~] any
12 officer authorized to direct or regulate traffic or to make
13 arrests for violations of the Motor Vehicle Code;

14 K. "private road or driveway" means [~~every~~] a way
15 or place in private ownership used for vehicular travel by the
16 owner and those persons having express or implied permission
17 from the owner, but not other persons; and

18 L. "property owner" means the owner of a piece of
19 land or the agent of that property owner."

20 Section 2. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
21 Chapter 120, Section 17, as amended) is amended to read:

22 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "safety belt waiver placard" means a device
25 developed by the division that is issued pursuant to the

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1 provisions of Section 66-7-372 NMSA 1978 to the operator of a
2 motor vehicle to enable law enforcement personnel to identify a
3 driver who has received a medical waiver from compliance with
4 the safety belt requirements of that section;

5 ~~[A-]~~ B. "safety glazing materials" means glazing
6 materials constructed, treated or combined with other materials
7 to reduce substantially, in comparison with ordinary sheet
8 glass or plate glass, the likelihood of injury to persons by
9 objects from exterior sources or by these safety glazing
10 materials when they are cracked and broken;

11 ~~[B-]~~ C. "safety zone" means the area or space that
12 is officially set apart within a highway for the exclusive use
13 of pedestrians and that is protected or is so marked or
14 indicated by adequate signs as to be plainly visible at all
15 times while set apart as a safety zone;

16 ~~[C-]~~ D. "salvage vehicle" means a vehicle:

17 (1) other than a nonrepairable vehicle, of a
18 type subject to registration that has been wrecked, destroyed
19 or damaged excluding, pursuant to rules issued by the
20 department, hail damage, to the extent that the owner, leasing
21 company, financial institution or ~~[the]~~ insurance company that
22 insured or is responsible for repair of the vehicle considers
23 it uneconomical to repair the vehicle and that is subsequently
24 not repaired by or for the person who owned the vehicle at the
25 time of the event resulting in damage; or

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1 (2) that was determined to be uneconomical to
2 repair and for which a total loss payment is made by an
3 insurer, whether or not the vehicle is subsequently repaired,
4 if, prior to or upon making payment to the claimant, the
5 insurer obtained the agreement of the claimant to the amount of
6 the total loss settlement and informed the claimant that,
7 pursuant to rules of the department, the title must be branded
8 and submitted to the department for issuance of a salvage
9 certificate of title for the vehicle;

10 [~~D.~~] E. "school bus" means a commercial motor
11 vehicle used to transport preprimary, primary or secondary
12 school students from home to school, from school to home or to
13 and from school-sponsored events, but not including a vehicle:

14 (1) operated by a common carrier, subject to
15 and meeting all requirements of the public regulation
16 commission but not used exclusively for the transportation of
17 students;

18 (2) operated solely by a government-owned
19 transit authority, if the transit authority meets all safety
20 requirements of the public regulation commission but is not
21 used exclusively for the transportation of students; or

22 (3) operated as a per capita feeder as defined
23 in Section 22-16-6 NMSA 1978;

24 [~~E.~~] F. "seal" means the official seal of the
25 taxation and revenue department as designated by the secretary;

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1 ~~[F-]~~ G. "secretary" means the secretary of taxation
2 and revenue, and, except for the purposes of Sections 66-2-3
3 and 66-2-12 NMSA 1978, also includes the deputy secretary and
4 any division director delegated by the secretary;

5 ~~[G-]~~ H. "semitrailer" means a vehicle without
6 motive power, other than a pole trailer, designed for carrying
7 persons or property and for being drawn by a motor vehicle and
8 so constructed that some significant part of its weight and
9 that of its load rests upon or is carried by another vehicle;

10 ~~[H-]~~ I. "sidewalk" means a portion of street
11 between the curb lines, or the lateral lines of a roadway, and
12 the adjacent property lines, intended for the use of
13 pedestrians;

14 ~~[I-]~~ J. "slow-moving vehicle" means a vehicle that
15 is ordinarily moved, operated or driven at a speed less than
16 twenty-five miles per hour;

17 ~~[J-]~~ K. "solid tire" means ~~[every]~~ a tire of rubber
18 or other resilient material that does not depend upon
19 compressed air for the support of the load;

20 ~~[K-]~~ L. "special mobile equipment" means a vehicle
21 not designed or used primarily for the transportation of
22 persons or property and incidentally operated or moved over the
23 highways, including but not limited to farm tractors, road
24 construction or maintenance machinery, ditch-digging apparatus,
25 well-boring apparatus and concrete mixers;

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1 ~~[L.]~~ M. "specially constructed vehicle" means a
2 vehicle of a type required to be registered under the Motor
3 Vehicle Code not originally constructed under a distinctive
4 name, make, model or type by a generally recognized
5 manufacturer of vehicles and not materially altered from its
6 original construction;

7 ~~[M.]~~ N. "state" means a state, territory or
8 possession of the United States, the District of Columbia or a
9 province of the Dominion of Canada;

10 ~~[N.]~~ O. "state highway" means a public highway that
11 has been designated as a state highway by the legislature, the
12 state transportation commission or the secretary of
13 transportation;

14 ~~[O.]~~ P. "stop", when required, means complete
15 cessation from movement;

16 ~~[P.]~~ Q. "stop, stopping or standing", when
17 prohibited, means any stopping or standing of a vehicle,
18 whether occupied or not, except when necessary to avoid
19 conflict with other traffic or in compliance with the
20 directions of a police officer or traffic-control sign or
21 signal;

22 ~~[Q.]~~ R. "street" or "highway" means a way or place
23 generally open to the use of the public as a matter of right
24 for the purpose of vehicular travel, even though it may be
25 temporarily closed or restricted for the purpose of

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1 construction, maintenance, repair or reconstruction;

2 [R-] S. "subsequent offender" means a person who
3 was previously a first offender and who again, under state law,
4 federal law or a municipal ordinance or a tribal law, has been
5 adjudicated guilty of the charge of driving a motor vehicle
6 while under the influence of intoxicating liquor or any drug
7 that rendered the person incapable of safely driving a motor
8 vehicle, regardless of whether the person's sentence was
9 suspended or deferred; and

10 [S-] T. "suspension" means that a person's driver's
11 license and privilege to drive a motor vehicle on the public
12 highways are temporarily withdrawn."

13 Section 3. Section 66-7-372 NMSA 1978 (being Laws 1985,
14 Chapter 131, Section 3, as amended) is amended to read:

15 "66-7-372. SAFETY BELT USE REQUIRED--[EXCEPTION]
16 EXCEPTIONS--SAFETY BELT WAIVER PLACARD.--

17 A. Except as provided by Section 66-7-369 NMSA 1978
18 and in Subsection B of this section, each occupant of a motor
19 vehicle having a gross vehicle weight of ten thousand pounds or
20 less manufactured with safety belts in compliance with federal
21 motor vehicle safety standard number 208 shall have a safety
22 belt properly fastened about [his] the occupant's body at all
23 times when the vehicle is in motion on any street or highway.

24 B. This section shall not apply to:

25 (1) an occupant of a motor vehicle having a

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1 gross vehicle weight of ten thousand pounds or less who
2 possesses a written statement [~~from~~] signed by a licensed
3 physician that [~~he~~] the occupant of the vehicle is unable for
4 medical reasons to wear a safety belt [~~or to~~];

5 (2) an individual who has been issued a safety
6 belt waiver placard by the division that is displayed pursuant
7 to rules of the division; or

8 (3) a rural letter carrier of the United
9 States postal service while performing the duties of a rural
10 letter carrier.

11 C. The division shall develop:

12 (1) a safety belt waiver placard;

13 (2) rules regarding the placement of safety
14 belt waiver placards on vehicles; and

15 (3) rules regarding issuance, renewal and
16 replacement of lost safety belt waiver placards.

17 D. The division may charge a fee not to exceed five
18 dollars (\$5.00) for issuance or renewal of a safety belt waiver
19 placard.

20 E. The division may issue a safety belt waiver
21 placard only to an individual who:

22 (1) is licensed by the division to operate a
23 motor vehicle having a gross weight of ten thousand pounds or
24 less; and

25 (2) has presented to the division a written

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1 statement signed by a licensed physician that the individual is
2 unable for medical reasons to wear a safety belt.

3 F. A safety belt waiver placard issued pursuant to
4 this section shall expire on the same date as the eligible
5 individual's motor vehicle operator's license issued by the
6 division.

7 G. The division shall not issue and an individual
8 shall not possess more than one current safety belt waiver
9 placard at any time. The division may charge a fee of no more
10 than ten dollars (\$10.00) to replace a lost safety belt waiver
11 placard and shall show the lost placard as no longer being
12 valid in the division records.

13 H. A safety belt waiver placard issued pursuant to
14 this section:

15 (1) shall be placed in a position specified by
16 the division that ensures that the placard is readily visible
17 to law enforcement officers passing or following the vehicle
18 driven by an individual who has been issued a safety belt
19 waiver placard;

20 (2) may be moved from one vehicle to another
21 for use by the driver to whom the placard is issued;

22 (3) shall not be assigned to a specific
23 vehicle; and

24 (4) shall indicate that only the person to
25 whom the safety belt waiver placard is issued is permitted to

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1 drive without using a safety belt.

2 I. The division shall:

3 (1) maintain records of all safety belt waiver
4 placards issued;

5 (2) maintain copies of the documentation
6 provided to support the need for issuance of the safety belt
7 waiver placard; and

8 (3) numerically identify for tracking and
9 verification purposes each safety belt waiver placard issued."

10 Section 4. EMERGENCY.--It is necessary for the public
11 peace, health and safety that this act take effect immediately.

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